

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28665 of 2021

Arising Out of PS. Case No.-58 Year-2020 Thana- BRAHMPURA District- Muzaffarpur

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1. SABITA DEVI, Wife of Mahabir Sah @ Mahabir Prasad Resident of Nauzar Ghat, Diwan Mohalla- P.S.- Khajekalan, District- Patna.
 2. Mahabir Sah @ Mahabir Prasad, Son of Late Karti Sah Resident of Nauzar Ghat, Diwan Mohalla- P.S.- Khajekalan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 17-01-2022 Heard Mr. Pramod Kumar, learned Advocate for

the petitioners and learned APP for the State.

The petitioners, who are the parents-in-law of the deceased, seek bail in anticipation of their arrest in connection with Brahmpura P. S. Case No. 58 of 2020, dated 28.02.2020, corresponding to G.R. No. 1018 of 2020, instituted for the offences under Sections 304(B) and 306 of



the Indian Penal Code.

The accusation in the FIR is that the deceased, shortly after her marriage, was asked to bring additional dowry by way of motorcycle and other household articles. Vexed by such demand and insinuation, the deceased jumped in the well and ended her life.

The learned counsel for the petitioners has submitted that according to the FIR, the marriage has taken place only on 09.2.2020 but the case has been lodged on 28.02.2020. The deceased, at the time of her death, was in her father's house.

It has also been pointed out by the learned counsel for the petitioners that the deceased was taken to a hospital on 21st of February 2020 for treatment of an unknown ailment.

The learned Counsel for the petitioners has submitted that in mere 20 days, more so when the deceased did not stay in her matrimonial home, she could not have been tortured or mentally harassed by



the petitioners. Perhaps the deceased was not happy with her marriage or that she may have been suffering from ailment which was not made known to the petitioners. Had it not been the case, the petitioners would have been surely informed about the hospitalization of the deceased by her father. How did she die and whether the death was because of drowning is also a matter of speculation and conjecture. The only evidence therefore, till date is the statement of the informant who has blamed the petitioners for the suicide.

Considering the afore-noted submissions, the petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur, in connection with Brahmpura P. S. Case No. 58 of 2020



corresponding to G.R. No. 1018 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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